

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

JAMES HALL,)	
)	
Plaintiff,)	
)	
v.)	Civ. Action No. 04-1328-GMS
)	
DAVID HOLMAN, et al.,)	
)	
Defendants.)	

ORDER

WHEREAS, on July 13, 2007, the court entered an order, dated July 12, 2007, dismissing the case with prejudice pursuant to Fed. R. Civ. P. 41(b) for want of prosecution (D.I. 70);

WHEREAS, on August 23, 2007, the plaintiff, James Hall ("Hall"), filed a notice of appeal of the July 12, 2007 order (D.I. 71);

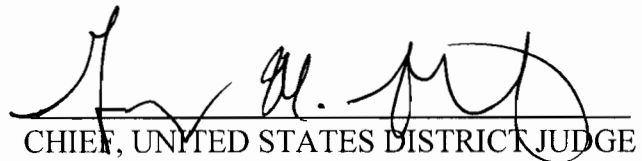
WHEREAS, pursuant to Fed. R. App. P. 4(a)(1), the time for filing a notice of appeal is within thirty (30) days after the judgment or order appealed from is entered;

WHEREAS, on the same date Hall filed his notice of appeal, he submitted a letter to the court explaining that he was belatedly given, by the pretrial law library, a notice of appeal and packet, indicating that the law librarian would "concur the facts" and requesting consideration that he not be penalized (presumably for filing the late notice of appeal) (D.I. 72);

WHEREAS, considering the foregoing, the court construes the letter (D.I. 72) as a motion for an extension of time to file a late notice of appeal and finds that Hall has demonstrated good cause for the late filing as required by Fed. R. App. P. 4(a)(5)(A)(ii);

THEREFORE, at Wilmington this 19th day of December, 2007, IT IS ORDERED that the motion for an extension of time to file a notice of appeal (D.I. 72) is **GRANTED** and the

notice of appeal is deemed filed as of the date this order is granted pursuant to Fed. R. App. P.
4(a)(5)(C).


CHIEF, UNITED STATES DISTRICT JUDGE

